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BEN & JERRY'S HOMEMADE, INC.
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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 OAKLAND DIVISION
12

13 SKYE ASTIANA, on behalf of herself and all
others similarly situated,

14 Plaintiff,

15 v.

16 BEN & JERRY'S HOMEMADE, INC.,

17 Defendant.
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Case No. CV10-4387-PJH

**STATEMENT OF RECENT
DECISION IN SUPPORT OF
DEFENDANT BEN & JERRY'S
HOMEMADE, INC.'S MOTION
TO DISMISS AMENDED
COMPLAINT AND TO STRIKE
CLASS AVERMENTS**

Hearing Date: April 6, 2011

Time: 9:00 a.m.

Courtroom: 3

Floor: 3rd

Judge: Hon. Phyllis J. Hamilton

Action Filed: September 29, 2010

1 In accordance with Civil Local Rule 7-3(d)(2), Defendant Ben & Jerry's Homemade, Inc.
2 ("Defendant") respectfully notifies the Court and counsel of the recent decision in *Mason v. The*
3 *Coca-Cola Company*, No. 1:09-cv-00220 (NLH) (JS) (D.N.J. Mar. 31, 2011), attached hereto as
4 Attachment A.

5 The discussion by the *Mason* court at (i) page 9 and (ii) page 12 n.4 are germane to
6 Defendant's pending motion to dismiss the amended complaint (Dkt. 24) and relate to
7 Defendant's arguments that Plaintiff has no cognizable injury (pages 10-12), Plaintiff has not
8 alleged the elements of injury or deception with sufficient particularity (pages 12-13), and
9 Plaintiff has no claim for common law fraud (pages 16-17).

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11 Dated: April 1, 2011

WILLIAM L. STERN
JANELLE J. SAHOURIA
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14 By: /s/ William L. Stern

WILLIAM L. STERN

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16 Attorneys for Defendant
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